

BEFORE THE DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)	
FOR BENEFICIAL WATER USE PERMIT)	FINAL ORDER
NO. 37690-s76M BY JIM AND DONNA DOWD)	
)	

* * * * *

There being no exceptions or objections to the Proposal for Decision in this matter entered on August 13, 1982, the same is hereby made final and is expressly incorporated herein.

WHEREFORE, in accordance with the Proposal for Decision entered in this matter, the following Final Order is hereby issued.

FINAL ORDER

Subject to the terms, restrictions and limitations described below, Application for Beneficial Water Use Permit No. 37690-s76M is hereby granted to Jim and Donna Dowd to appropriate 1.5 acre-feet per year for domestic purposes, .5 acre-feet per year

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for stock-watering purposes, and .5 acre-feet per year for irrigation purposes. The source of supply shall be a Seven Mile Creek. The diversion rate for each or any or all of these uses shall not exceed ten (10) gallons per minute. No diversion works shall be installed or maintained with capacities in excess of this flow rate. The priority date for this permit shall be October 15, 1981, at 2:45 p.m.

This permit is further subject to the following express conditions, limitations, and restrictions.

A. Any rights evidenced herein are subject to all prior and existing rights, and to any final determination of such rights as provided by Montana law. Nothing herein shall be construed to authorize the Permittees to divert or use water to the detriment of any senior appropriator.

B. The Permittees shall not withdraw or cause to be withdrawn from the source of supply pursuant to this permit more water than is reasonably required for the purposes provided for herein. At all times when water is not necessary for such purposes, the Permittees shall cause and otherwise allow the waters to remain in the source of supply.

C. Nothing herein shall be construed to affect or reduce the Permittees' liability for damages which may be caused by the exercise of this permit. Nor does the Department in issuing this

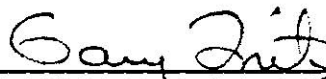
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permit acknowledge any such liability, even if such damage is the necessary and unavoidable consequence of the exercise of this permit.

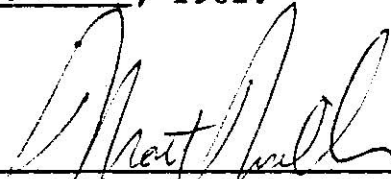
NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedures Act by filing a petition in the appropriate court within thirty (30) days after service of the Final Order.

DONE this 24th day of October, 1982.



Gary Fritz, Administrator
Department of Natural
Resources and Conservation
32 S. Ewing, Helena, MT
(406) 449 - 2872



Matt Williams, Hearing Examiner
Department of Natural Resources
and Conservation
32 S. Ewing, Helena, MT 59620
(406) 449 - 3962

CASE # 37690

BEFORE THE DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)	
FOR BENEFICIAL WATER USE PERMIT)	PROPOSAL FOR DECISION
NO. 37690-s76M BY JIM AND DONNA)	
DOWD)	

* * * * *

Pursuant to the Montana Water Use Act and to the contested case provisions of the Montana Administrative Procedures Act, a hearing in the above entitled matter was held in Superior, Montana.

During the course of the hearing in this matter, the Applicant and the Objector, Patricia P. Jermyn, by and through John Jermyn, appeared to reach an agreement as to the proper disposition of this Application. Therefore, this Proposal for Decision will reflect the Hearings Examiner's understanding of the nature of that agreement. If the Hearings Examiner has inappropriately or inaccurately assessed the terms of these parties' understandings, objections or exceptions to the terms of the Proposed Order must be submitted by the date designated herein.

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PROPOSED ORDER

Subject to the terms, restrictions and limitations described below, Application for Beneficial Water Use Permit No. 37690-s76H is hereby granted to Jim and Donna Dowd to appropriate 1.5 acre-feet per year for domestic purposes, .5 acre-feet per year for stock-watering purposes, and .5 acre-feet per year for irrigation purposes. The source of supply shall be a Seven Mile Creek. The diversion rate for each or any or all of these uses shall not exceed ten (10) gallons per minute. No diversion works shall be installed or maintained with capacities in excess of this flow rate. The priority date for this permit shall be October 15, 1981, at 2:45 p.m.

This permit is further subject to the following express conditions, limitations, and restrictions.

A. Any rights evidenced herein are subject to all prior and existing rights, and to any final determination of such rights as provided by Montana law. Nothing herein shall be construed to authorize the Permittees to divert or use water to the detriment of any senior appropriator.

B. The Permittees shall not withdraw or cause to be withdrawn from the source of supply pursuant to this permit more water than is reasonably required for the purposes provided for herein. At all times when water is not necessary for such purposes, the Permittees shall cause and otherwise allow the waters to remain in the source of supply.

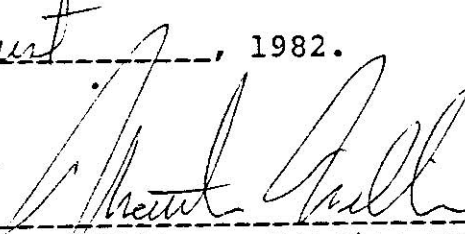
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C. Nothing herein shall be construed to affect or reduce the Permittees' liability for damages which may be caused by the exercise of this permit. Nor does the Department in issuing this permit acknowledge any such liability, even if such damage is the necessary and unavoidable consequence of the exercise of this permit.

NOTICE

This Proposal for Decision is offered for the review and comment of all parties of record. Objections and exceptions must be filed with and received by the Department of Natural Resources and Conservation on or before September 3, 1982.

DONE this 13th day of August, 1982.


Matthew Williams, Hearing Examiner
Department of Natural Resources
and Conservation
32 S. Ewing, Helena, MT 59620
(406) 449 - 3962

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